IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 3228 of 2004

Between:

Karuna Society for Animals (Regd.), Rep. by G.Manjunath, Executive Committee Member, Animal Welfare Officer & Master Trainer, Regd.Office at Puttaparti, Anantha District.

..... PETITIONER

AND

1 The Principal Secretary, Department of Animal Husbandry, Giovernment of Andhra

Pradesh, Hyderabad.
2 The Director of Marketing, Secretariat Road, Hyderabad.
3 The Chairman, Agricultural Market Committee, Anantapur.
4 The Secretary, Agricultural Market Committee, Anantapur.
5 The Sarpanch, Gorantla Gram Panchayat, Gorantla Mandal, Anantapur District.
6 The Sarpanch, Kothacheru Panchayat, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, Order or Directions especially in the nature of a Writ of Mandamus (i) directing the Respondent No.1 -to frame rules under the A.P. Prohibition of Cow Slaughter & Animals Preservation Act 1977 for the effective enforcement of the Provisions of the Act and also appoint the competent authorities as envisaged under Section 4 and 6 of the above Act and for checking and preventing the sales of

healthy fit and economically potential animals, dealing with the offences arising under the above Act, and (ii) to direct the Respondent No.2 - to take adequate stringent steps to prevent the sales and purchases of cattle including the bulls which are healthy and useful for Agricultural Operation, which are being carried to the State of Kerala and other places, without any valid certification by the competent authority appointed under the Act and (iii) to issue appropriate Directions to the Respondent Nos. 3 to 6 to prevent and stop the sales and purchases of cattle consisting of Cows, Calves, buffaloe claves and bulls taking preventive measures by due publication and publicity and book the offenders who sell and buy the cattle from the cattle shanties from the Gorlantla Village, Gorantla Mandal, Ananthapur District on Saturdays, Kothacheru cattle shanties Kothacheru Panchayat on Fridaysand Thadakaleru cattle market at Ananthapur Rural on Sunday & Mondays sunder the relevant provisions of the Act by reporting to the Police, in case of violation of the Prevention of Cruelty to Animals Act 1960 and A.P.Prohibition of Cow Slaughter and Animals Preservation Act of 1977.

Counsel for the Petitioner : SMT.C.JAYASREE SARATHY

Counsel for the Respondents No.1 and 2 : GP FOR ANIMAL HUSBANDARY

Counsel for the Respondents No.3 and 4 : Mr.B.BHASKARA RAO

The Court made the following :

ORDER : (Per Hon'ble Bilal Nazki, HACJ)

Heard learned Counsel for the parties.

This writ petition has been filed by a Committee, which is interested in animal welfare. One of the prayers is seeking a direction to respondent No.1 to frame Rules under A.P.Prohibition of Cow Slaughter & Animals Preservation Act, 1977 (hereinafter referred to as 'the Act'). Second prayer is that respondent No.2 should take stringent steps to prevent sale and purchase of cattle including the bulls, which are healthy and useful for agricultural operation. Third prayer is, a direction be issued to respondents No.3 to 6 to prevent and stop the sale and purchase of cattle. Counter has been filed.

We do not find anything in the Act, which prohibits sale of animals. The learned Counsel for petitioner referred to Section 6 of the Act. Section 6 is reproduced hereunder;

> *"**6. Prohibition against slaughter of animals without certificate from competent authority.***
>
> 1. *Notwithstanding anything in any other law for the time being in force or any custom or usage to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any animal other than*

a calf, whether male or female, of a she-buffaloe, unless he has obtained in respect of such animal a certificate in writing from the competent authority appointed for the area that the animal is fit for slaughter.

2. *No certificate shall be granted under sub-section (1), if in the opinion of the competent authority the animal is or is likely to become economical for the purpose of ,---*

a. *breeding, or*

b. *draught or any kind of agricultural operations; or*

c. *giving milk or bearing off-spring:*

Provided that no certificate under sub-section (1) shall be refused to be granted unless reasons for such refusal are recorded in writing.

(3) A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed."

We find that this Section becomes operative only when an animal is slaughtered or is offered for slaughter, therefore the sales cannot be prohibited at all. However, it is for respondents to ensure that animals, which are slaughtered, are only those animals which are permissible to be slaughtered in terms of the Act.

With regard to the first prayer, we afraid that we cannot give a direction to the State to legislate. However, the State authorities are directed to take all steps, which are available in law, to stop any illegalities if committed during sale or slaughter of animals.

With these observations, the writ petition is disposed of. No costs.

_____

BILAL NAZKI, HACJ

5th April 2005.

_____

Dr. G.YETHIRAJULU, J

ajr

To

1 The Principal Secretary, Department of Animal Husbandry, Giovernment of Andhra

Pradesh, Hyderabad.
2 The Director of Marketing, Secretariat Road, Hyderabad.
3 The Chairman, Agricultural Market Committee, Anantapur.
4 The Secretary, Agricultural Market Committee, Anantapur.
5 The Sarpanch, Gorantla Gram Panchayat, Gorantla Mandal, Anantapur District.
6 The Sarpanch, Kothacheru Panchayat, Anantapur District.

7 Two C.Cs. to the GP for Animal Husbandry, High Court of A.P., Hyderabad

(OUT)

8 2 CD copies

9 1 CC to SMT.JAYASREE SARATHY

*Form-NIC-OGS/WP{**CPK**}*